



Risk, Uncertainty and Public Protection: Assessment of Young People Who Offend

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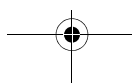
Summary

The intense media and political scrutiny that has long been associated with decisions made by social workers about child protection is now increasingly being seen in the criminal justice arena with regard to assessment of offenders who may present a risk of serious harm to other people. However, there has so far been little academic consideration of the decisions made by youth justice workers concerning young people who may pose a risk to others. This paper presents analysis of data collected from youth offending teams relating to such assessments and, in particular, looks at the extent and range of hypotheses that practitioners use. It is argued that, as in the child protection field, progress in collecting relevant information for assessments has not been matched by improvements in analysis and that practitioners may not be coping very well with the challenge of undertaking complex assessments. Consideration is then given to the question of whether assessment frameworks and organizational systems can take account of the interesting theoretical concept of 'respectful uncertainty' (Taylor and White, 2006, p. 937) whilst continuing to address the practical priority of making clear decisions at specific points in time about interventions with young people who offend. 10 15 20

Keywords: assessment, risk, young offenders, decision making 25

Introduction

The kind of scrutiny and public concern that has long been focused on decisions made by social workers about child protection is now being applied to criminal justice decisions about risk. Intense political and media interest in cases in which offenders under statutory supervision in the community have 30





committed serious further offences (HMI Probation, 2005, 2006a) has focused attention on the quality of decisions about risk within the criminal justice system.

In the light of this, what is actually known about how practitioners make assessments of whether offenders present a risk of serious harm to others? Whilst there have been a number of studies examining factors that influence social workers' decisions about child protection (Scott, 1998; Sheppard *et al.*, 2001; Benbenishty *et al.*, 2003), less research attention has been given to the decision-making processes of practitioners in the criminal justice system. Parole decisions have been analysed in some detail (e.g. Hood and Shute, 2000) but, with the exception of Kemshall's study of practice in the probation service (Kemshall, 1998), there have been few in-depth analyses of the day-to-day decisions made by probation or youth justice workers in the UK concerning the risk that offenders may pose to others.

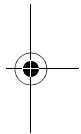
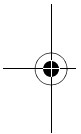
Standardized assessment tools have been introduced in recent years to both the probation service (OASys) and youth justice (*Asset*). How are practitioners using these when making assessments about potential risk to the public or to named individuals? To what extent do these tools—and the administrative systems surrounding them—shape the way these important decisions are made? What types of knowledge do practitioners use?

This paper will discuss evidence from a research study looking at assessments made by youth justice practitioners concerning young people who posed a potential risk of serious harm to others. Comparisons are made with literature from the child protection field to consider the question of whether assessors' analysis of information is adequate, given the complexity of the decisions being made. The paper concludes with a discussion around some of the difficulties of balancing organizational priorities with the ongoing development of good assessment practice.

Structured assessment tools

The difficulties of predicting serious offences are well known (Monahan, 1996). The benefits of actuarial tools are less evident in this area and even tools which focus on very specific groups of offenders (e.g. violent or sex offenders) sometimes struggle to demonstrate significant predictive accuracy. These difficulties are likely to be compounded in the case of predictions about the behaviour of young people given the process of maturation and the often rapid rate of change that occurs during adolescence. In addition, behaviours which might initially be viewed simply as problematic need to be understood within a framework that takes account of the varied ways in which young people negotiate complex personal and social transitions on the path to adulthood (Boeck *et al.*, 2006; Sharland, 2006).

Asset is the standard assessment framework used by all Youth Offending Teams (YOTs) in England and Wales with young people aged ten to seventeen who offend. It was introduced by the Youth Justice Board (YJB) in April 2000, alongside the launch of multidisciplinary YOTs, to help promote comprehensive

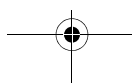
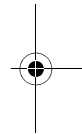
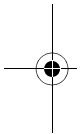




and consistent assessment practice with young people who offend (Baker, 2004a). It aims to identify key risk factors contributing to a young person's offending behaviour and also any protective factors that might help to reduce the risk of re-offending. Practitioners are asked to give numerical ratings to indicate the extent to which they judge that particular risk factors are associated with the likelihood of further offending but, crucially, they are also expected to provide evidence to explain the basis for these ratings. This resonates with the literature on decision making in real-world contexts showing that practitioners find it difficult to interpret purely statistical information without a 'story' to explain what is happening (Dawes, 1999; Shwalbe, 2004). The emphasis on providing narrative text in the evidence boxes to supplement the 'tick boxes' and numerical ratings also enables practitioners to contextualize information to reflect the specific circumstances of each individual young person (Baker, 2005). This can be of particular importance, for example, in trying to explain the impact of experiences of discrimination when making assessments of young people from minority groups.

Asset does not attempt to provide a statistical prediction of risk of serious harm to others, where serious harm is defined as 'death or injury (either physical or psychological) that is life-threatening and/or traumatic and from which recovery is expected to be difficult, incomplete or impossible' (Youth Justice Board, 2006, p. 26). The score that *Asset* produces relates to likelihood of reconviction (Baker *et al.*, 2003) but not to the level of harm likely to be caused by the offending behaviour. Rather than trying to provide a calculation of possible harm, the focus in this element of *Asset* is on providing a framework to help practitioners consider—for each individual case—key risk factors for behaviours which cause serious harm to others. Evidence from the probation service suggests that this fits with what practitioners expect such tools to do (Robinson, 2003). It is also an acknowledgement that not all risks are easily quantifiable but, rather, that risk can be contingent and contextual (Kemshall, 2000).

The core *Asset* profile (completed on all young people for whom a Pre-Sentence Report or Referral Order Report is prepared) contains a section on 'Indicators of serious harm to others' which is a screening process to highlight cases in which further assessment may be required (Youth Justice Board, 2006). If any of these indicators applies, a full 'Risk of Serious Harm Form' (ROSH) should be completed. This begins with a series of questions about previous behaviour (not just offences, but behaviour in a range of settings such as at home or school). It then moves onto a section about current risk indicators, such as those concerning a young person's attitudes, circumstances and ongoing patterns of behaviour. This then forms the basis for the conclusions in which the assessor tries to identify the types of serious offences that the young person might commit, who the victims might be, how significant the impact would be and the imminence of such behaviour occurring. In each section, practitioners are asked to give evidence to justify their reasoning and judgements. The aim in designing this part of *Asset* was to create a practical, manageable process that would prompt assessors to consider a wide range of relevant factors and to think through these in a logical





and sequential order, namely to have as much information as possible to shape the conclusions regarding the level and type of risk presented.

The study

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This paper presents data from *Asset* ROSH forms completed by practitioners during 2002/03 from a national sample of YOTs (Baker, 2004b). Quantitative data were collected from 300 completed ROSH forms but this paper focuses primarily on the qualitative data gathered from a smaller sample. Forty cases (taken from ten teams) were examined in more detail by analysing the narrative text in the evidence boxes of the ROSH forms and conducting semi-structured interviews with the relevant assessors. Ethical approval was given by the Youth Justice Board for England and Wales, who funded the study.

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The importance of using different types of data for this kind of analysis is evident from the work of Kemshall (1996), who found that practitioners were often unable to give a clear articulation of how they made their decisions. Where staff said that they relied on 'gut reaction', for example, their actual descriptions of how they would teach someone else to undertake risk assessment showed that they were actually gathering information in a systematic way, drawing on research, using existing knowledge and making some quite sophisticated in-depth judgements. Just because staff cannot fully describe what they do, therefore, does not necessarily mean that their practice is poor. By combining analysis of descriptions given by practitioners in interview with analysis of completed forms, it was hoped that a fuller picture could be obtained of how workers actually made assessments of risk of serious harm in real-life situations.

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The aim of the analysis was essentially descriptive and, more particularly, was intended to answer the following questions:

- What factors did YOT staff consider when making assessments of potential risk of serious harm to others?
- What types of knowledge and evidence did they use?
- Did analysis of information involve the use of multiple hypotheses?
- How was *Asset* being used in this assessment process?

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There was an overlap between the two data-sets and some questions were applied to both; for example, the issue of which factors practitioners took account of in decision making was explored both in the interviews and by looking at the frequency with which some factors were referred to on the completed ROSH forms. In other areas, the data-sets were used to consider different, but related, issues. For example, the ROSH forms were used to look at the type of predictions that practitioners were recording and the way in which these were supported by written evidence, whilst the interviews were used as a way of exploring the difficulties that staff experienced when trying to make such predictions. The two sources were therefore used both to look at the same topics

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from varying angles and to provide information about different issues, all of which was necessary for providing a full account of a complex, real-life social process (Mason, 1994).

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One approach to qualitative data analysis is to base it 'on a particular set of theoretical propositions' (Robson, 1993, p. 377). The framework for analysis may be 'given' in the light of previous research and/or a requirement that the study should focus on particular issues. It has been argued that this is a particular feature of applied investigations which 'are likely to entail a significant amount of conceptualization in advance of fieldwork, often in relation to issues concerned with policy and practice' (Bryman and Burgess, 1994, p. 220). This was clearly relevant to a study of *Asset*. Previous research had highlighted features and problems associated with risk of serious harm assessments in related fields of practice such as probation and mental health (Kemshall, 1998; Prins, 1999) and these studies had informed the design of interview schedules for this project. Inevitably, therefore, the analysis was shaped by these pre-existing theoretical concepts. The applied nature of the research also meant that certain other issues were 'given' by the Youth Justice Board (such as whether, and how, practitioners were using the ROSH form).

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Boswell (1996), drawing on the 'grounded theory' perspective of Glaser and Strauss (1968), issues a note of caution by suggesting that 'a priori assumptions about the objective characteristics of social situations are frequently made at too early a stage in the research process, and are often instrumental in masking what is really happening in these situations' (Boswell, 1996, p. 60). The proposed alternative is for theories to be obtained in an iterative process through which emerging themes are refined and tested to ensure that they fit the data appropriately. 'Even with a theoretical frame, initial exploration of this kind may give an early warning of its inadequacy, and perhaps lead to a beneficial recasting' (Robson, 1993, p. 378).

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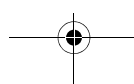
Bryman and Burgess (1994) note that, whilst grounded theory is cited as a foundation of many qualitative studies, this is more likely to reflect general principles of the approach rather than the specific methodological details. These principles include the 'desirability of extracting concepts and theory out of data' (Bryman and Burgess, 1994, p. 220) and the use of techniques such as coding. The *Asset* study described here illustrates this in that it uses some of the insights of grounded theory without claiming to be a specific example of its application to the field of youth justice. The study combined a broad theoretical framework given by policy and by previous research with an awareness that additional ideas and themes would need to be extracted from the data collected in order to provide a full description of practice.

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The assessment process: gathering information

Reports arising from public inquiries relating to social work errors in child abuse cases reveal that criticism of failures to collect relevant information



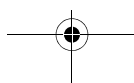
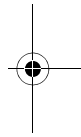
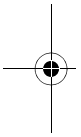


reduced over time as inter-agency communication and information gathering 200
improved (Munro, 1998), partly through the introduction of checklists and
more standardized procedures. In the youth justice context, *Asset* includes a
section entitled ‘Sources of information’ which requires practitioners to indic-
ate which of a variety of sources (including case files, criminal records, the
young person’s family and other professionals) have been used for an assess- 205
ment. This not only provides a prompt to remind practitioners to collect a wide
range of information, but also provides a means for managers to monitor which
sources are being used and to take action if it appears that there are frequent
difficulties with obtaining information from particular organizations.

Encouragingly, there were some positive signs from the *Asset* data collected 210
for this study regarding the range and type of information sources used in full
ROSH assessments. Examples included staff from other agencies, family mem-
bers, local media and a home visit in which the practitioner’s observation con-
flicted with information provided by the offender and the assessor used the
Asset evidence boxes to explain the contradiction. However, no reference was 215
made to the young person’s self-assessment form (‘What do YOU think?’) in
any of the ROSH forms or the staff interviews. It is perhaps a weakness in the
design of *Asset* that, whilst providing an offender self-assessment tool, there is
currently no requirement for practitioners to incorporate the views expressed
by a young person into their own core assessments. 220

Neither the forms themselves nor the research provide enough information 220
to investigate the relative weight that youth justice practitioners attach to dif-
ferent sources of information. There is some evidence from research into child
protection assessments that, for example, social workers have a tendency to
believe mothers more than fathers (Munro, 1998). Beckett *et al.* (2007) found 225
that observations from ‘laboratory conditions’ (e.g. a meeting in an office)
often counted for more in child protection assessments than observations ‘in
the field’ (e.g. seeing a young person’s behaviour within the home setting). It
would be useful to consider whether there are equivalents in youth justice; for
example, do practitioners assume that information from certain professional 230
groups (such as police officers, social workers or teachers) is more reliable than
from others? It was not within the remit of this study to look at this but it would
certainly be an interesting area for further research.

It would clearly be unrealistic to suggest that the gathering of information 235
for assessments in youth justice is always adequate—inspection reports high-
light some continuing problems (HMI Probation, 2006*b*)—but it is not unre-
asonable to suggest that the use of *Asset* increases the likelihood of relevant
information being obtained. However, collecting information from a varied
range of sources may not be enough. To use the example of child protection
once again, ‘[i]n the early reports, it was assumed that if the information had 240
been collated then the risk to the child would have been seen. This is not borne
out by later inquiries where assessments are still heavily criticized, suggesting
that social workers have an inadequate grasp of the theoretical knowledge
needed to make sense of the information they gather’ (Munro, 1998, p. 92).





The assessment process: knowledge and thinking skills

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Does Munro's argument that progress in collecting relevant information has not been matched by improvements in analysis have validity in the context of youth justice? *Asset* requires assessors to provide evidence to support judgments and ratings, but the temptation to miss out or skirt over the evidence boxes in *Asset* was one that practitioners readily acknowledged in interview: 250

'[B]ut then again, any odd or disconcerting behaviour, it's easy to tick that and not explain what it is' (Baker, 2004b, p. 244). YOT workers' practice in relation to analysis of potential risks of serious harm to others can helpfully be considered in terms of the following three areas.

Whole case hypotheses

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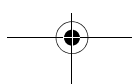
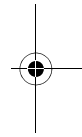
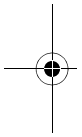
Sheppard *et al.* (2001, p. 865) make a distinction between 'partial case hypotheses', which relate to particular facets of a case or situation, and 'whole case hypotheses', which attempt to bring together different issues into a coherent explanation for the case as a whole. They suggest that such hypotheses are an essential feature of a full assessment. 260

There were some examples of YOT staff attempting to analyse the combined impact of different factors in a young person's life, such as 'Step-father is an alcoholic. I think this is a major factor in Gary's anger—he gets visibly wound up by him when having a conversation'. This links the young person's behaviour to both an ongoing family problem and to specific situations in which tensions are likely to be increased. In the following case, the assessor links different behaviours—displays of anger and lack of victim empathy—to the young person's self-perception and this, in turn, is linked to previous traumatic experiences of abuse: 'I consider Jim views himself as a victim and as such, until he comes to terms with his own feelings which trigger his anger, he will find it difficult to display victim empathy.' 265 270

However, in other cases, there was less evidence of attempts to combine different pieces of information. In one case, for example, the ROSH form listed a range of quite disturbing behaviours. The young person committed a burglary against a neighbour's house and then started a fire inside the bedroom (thus also putting himself at risk). He had been known to hit teachers, to carry a knife and to be violent towards peers. There were also a range of incidents involving cruelty to animals: 275

He has stabbed a cat, a guinea pig, nearly strangled a child and has actually strangled a rabbit. Put a steel pole through a gerbil's ears and put a cat in the freezer because it scratched him. 280

Whilst it is positive that the assessor identified these different types of problematic behaviour as being relevant, there was little attempt to link them together. For example, separate references were made to his violent behaviour





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towards peers and to instances of cruelty to animals but there was no attempt 285
to consider whether there might be a common explanation for these two prob-
lematic behaviours, even though there is now increasing evidence of a link
between animal cruelty and violent behaviour (Office of Juvenile Justice and
Delinquency Prevention, 2001).

A second example is taken from the ‘analysis of offending’ section of a 290
completed *Asset* form:

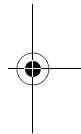
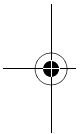
During school mid-morning break one of John’s friends approached an
older pupil to ask him for a light for a cigarette. He responded in a verbally
aggressive manner and when John and his friend challenged him, he threw
a punch at them. John then threatened him with a knife and accidentally 295
stabbed him.

This offender was aged twelve at the time of the offence but there was no dis-
cussion in *Asset* about why he was carrying a knife. In the ‘Family and personal
relationships’ section of the form, there was a reference to the fact that the
offender’s elder brother had recently completed a two-year custodial sentence 300
for armed robbery, but there was no analysis of any possible link between this
and John’s use of a weapon. It shows how assessors can have different pieces of
information available but not combine them effectively within *Asset* to provide
a complete picture of a case, and it illustrates the view that ‘[i]mprovements in
collecting information have not been matched by improvements in assess- 305
ments. To use the jigsaw analogy again, social workers have become better at
drawing together the relevant pieces but have difficulty in fitting them
together’ (Munro, 1998, p. 91).

Types of knowledge

One additional way of examining how workers make assessments is to look at 310
the types of explanations and evidence that they use, as these can provide ‘a
window into the ways that practitioners reason about their cases’ (Benbenishty
et al., 2003, p. 139). Practitioners may use arguments drawn from diverse
sources such as theory, policy, values, a client’s stated wish, empirical evidence
or practical experience (Rosen *et al.*, 1995) and one obvious factor influencing 315
which of these are used will be the context and culture within which practition-
ers are undertaking assessments. For example, the fact that none of the practi-
tioners interviewed made any reference to ‘policy’ was probably due to the fact
that few YOTs had any established procedures for risk management at the
time this study was undertaken. 320

In this sample, there was little evidence of theory being used explicitly but
there were some indications of its role in influencing judgements implicitly.
Examples from completed assessments included comments such as ‘vulnerable
when younger, sexually abused, current outbursts of rage may be linked’ or
‘severe emotional trauma in his life has definitely contributed to this offence’. 325





These extracts from *Asset* forms draw on an assumed connection between emotional distress and offending behaviour without really explaining how this link works.

References to practical experience could be couched in general terms; for example, '*Asset* prompts some good questions, but as a social worker, these would be in the forefront of my mind anyway'. Other staff referred in interview to more particular types of experience which they felt shaped their assessments; for example, 'experience in probation and specialist work with sex offenders—I've also done child protection'. Reliance on hunches or 'gut feelings' is a particularly interesting issue. In the quote given below, the assessor is drawing on his own and others' experience to state that, despite a current lack of clear evidence, he believes that the occurrence of abuse may be a possibility. This is similar to the pattern observed by Kemshall (1998), who noted that probation officers 'placed a high degree of trust in their experience' (Kemshall, 1998, p. 155) when undertaking risk assessments:

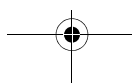
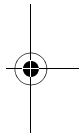
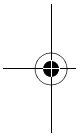
No evidence of abuse, however concerns from myself and other professionals regarding these offences, what brought it about, where did he learn this behaviour.

Is this continued reliance of 'gut feelings' a cause for concern? Does it, for example, imply that assessments are prone to bias and discrimination? There is currently no evidence regarding the impact of practitioner hunches on decision making in youth justice. However, one argument for the use of structured assessment tools is that although they cannot eliminate all bias (see Hudson and Bramhall (2005) for an example of variability in assessments of adult offenders from different ethnic groups), they can make it easier to see. Very few decisions are based entirely on static factors or totally objective measures and practitioner judgements are therefore an integral part of assessment and prediction processes. An advantage of a tool such as *Asset* is that it allows professional discretion to be 'applied in a more systematic and standardized manner' (Daley and Lane, 1999, p. 167). Decisions which have often been implicit become, along with the biases on which they may be based, more explicit (Farrington, 1987) and therefore more open to challenge and debate.

In a study of child protection assessments undertaken by social workers, Benbenishty *et al.* (2003) found that empirical knowledge was rarely, if ever, cited by staff. A similar result was found in relation to *Asset*, with only one practitioner referring to this during interview:

He was 'well it wasn't that much' and that all made it seem very dangerous in terms of the likelihood that he would do it again, on *the research* that had been done. I think all sexual offences are serious offences but, as I say, *the research* tends to be that those who are willing to do the work and acknowledge 'I am dangerous, I need to learn to manage my behaviour' may be less of a risk (emphasis added).

It appears that assessors were not routinely applying knowledge of theory or empirical evidence to judgements about risk, thus illustrating the 'apparent





distance between the prescriptions of the academic discipline and the imperatives of practice' (Sheppard, 1995, p. 266). However, Sheppard and Ryan (2003) suggest that 'while direct reference to research was rare, it may be that such direct reference underestimates the true frequency of research use' (Sheppard and Ryan, 2003, p. 166). Practitioners may therefore be drawing on research knowledge as part of individual or shared 'practice wisdom' (Sheppard, 1995, p. 279) without this being explicitly stated. However, it can often be difficult to discern what types of knowledge people are using. For example, in the quote below, the practitioner could be referring to research and empirical evidence, personal experience or impressions picked up from colleagues:

With young people from sex offences, *as we know*, it's normally the behaviour is grown into rather than grown out of which is a little different to most other crimes (emphasis added).

One way in which practitioners may try to apply practice wisdom is through the use of 'application rules', defined by Sheppard and Ryan (2003) as 'rules about how knowledge and experience should be applied to a particular case situation' (Sheppard and Ryan, 2003, p. 163). Practitioners cited some examples of such rules in interview, such as in relation to the assessment of young people being looked after by local authorities. Assessors who were concerned about what they perceived as the criminalization of young people through the care system applied 'rules' that involved analysing data in the context of a young person's situation, assessing the credibility of the care worker or institution that had provided information and trying to be objective by comparing the young person's behaviour with that of similar offenders living within a family home (Baker, 2004b).

This is just one example of how practitioners may use knowledge of data (i.e. the high proportion of 'looked after' young people involved with the youth justice system) to inform practice. A fuller analysis of the nature and application of practice wisdom in YOTs would be extremely useful but is outside the scope of this paper.

Range of hypotheses

Writing in the context of social work practice, Sheppard (1995) argues that the process of making assessments requires similar methods to those used by 'practical qualitative researchers' (Sheppard, 1995, p. 265); that is to say, assessment involves generating hypotheses to understand and explain the information available. Hypotheses in this context are defined as 'propositions made about the case, or an aspect of it, against which subsequent assessments or investigations could be made' (Sheppard *et al.*, 2000, p. 474).

There is conflicting evidence from empirical studies on the extent to which practitioners actually use such an approach. Sheppard *et al.* (2001) found that whilst some social workers generated a number of hypotheses about individual



cases and compared these in order to find the best ‘fit’ with the available evidence, others remained fixed with ‘one particular idea about how the situation was to be understood, or no particular idea at all’ (Sheppard *et al.*, 2001, p. 871). In the context of probation practice, Kemshall (1998) found that the process of generating and falsifying hypotheses was the exception rather than the rule and instead ‘the mode of inquiry appears to reflect . . . the closed professional system in which information is matched to existing beliefs’ (Kemshall, 1998, p. 159). 415

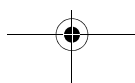
Regardless of whether one accepts all the details of this analogy between assessment practice and social research methods, it is a helpful way of highlighting the problems associated with assessors seeking evidence to confirm initial suppositions rather than giving full consideration to a range of possible explanations. In situations (such as child protection or assessments of risk of serious harm to others) in which the potential outcomes are so serious, Sheppard *et al.* (2001) are surely right to argue that ‘this commitment to one particular hypothesis . . . may give cause for concern’ (Sheppard *et al.*, 2001, p. 871). 420 425

It may be unfair to criticize practitioners too much for this, as it could reflect a common reluctance to simultaneously consider different options. Is there perhaps a ‘human tendency to avoid the “cognitive dissonance” of multiple hypotheses, and to seek evidence which fits our pre-existing schema and belief systems’ (Scott, 1998, p. 87)? However, perhaps we do need to consider whether assessment tools such as *Asset* promote the idea that there is one correct answer, or one ‘defensible decision’, that practitioners have to find. Do staff feel that they need to have everything worked out before they can complete the assessment profile? That is the impression conveyed in the following quote from a youth justice worker when describing one particular case: 430 435

Some quite serious stuff, including firesetting, which I’ve referred to somewhere but all based on hearsay. I struggled with this, the issue is that his behaviour is completely odd in that it’s completely untriggered and others are expressing concern about the possibility of it—basically his Mum and his school. *Because I haven’t been able to figure it out I haven’t filled in that bit* (emphasis added). 440

Asset requires assessors to describe the likelihood of an offender causing serious harm to others and to specify—as far as possible—the circumstances in which this is most likely to occur. Examples from ROSH forms illustrate the kinds of description that practitioners used when making such predictions about potential future behaviour, such as ‘when seeking to self-affirm, gain status or to demonstrate personal efficacy’ or ‘if money/material items are refused her and she feels rejected’. However, although *Asset* includes questions about which factors might increase or decrease risk and the guidance emphasizes the importance of regularly updating assessments, the current systems and structures in youth justice may not take sufficient account of ‘how resistant people are to altering their beliefs’ (Munro, 1996, p. 799). 445 450

This is a logical extension of the discussion above concerning multiple hypotheses, for, as Sheppard (1995) suggests, if such an approach were used,





assessors would be alert to ‘disconfirming data’ and ready to reformulate hypotheses in the light of new evidence (Sheppard, 1995, p. 275). Why is this so rarely seen in practice? Perhaps it is partly because of the perception of a blame culture and the consequent development of ‘defensive practice’ (Tuddenham, 2000). In such a context, speculating about a variety of possible options might be seen as indicating a lack of competence in reaching decisions about risk levels.

A second reason might be to do with the difficulty of thinking and working in this way:

The imagery of a puzzle is valuable, I think, in highlighting the repercussions of doubting your current assessment. The social worker does not just face altering his or her belief about one item of information but has to consider changing the whole picture of the case. All the known evidence then needs to be reappraised and found a place in the new emerging picture. The human tendency to avoid critical reappraisals of their beliefs may in part be due to reluctance to undertake such a *challenging and arduous intellectual task* (Munro, 1996, p. 800, emphasis added).

A third factor might be the practical pressures of having to work within specified time limits or the need to meet organizational targets. ‘[T]he pressure to “handle cases quickly and efficiently” may predispose social workers to use formal knowledge in a way that shores up their “anchor hypothesis” when we may want to encourage them to use theory or research findings to shake up or destabilize precipitously formed judgments’ (Taylor and White, 2006, p. 946).

Sheppard *et al.* (2000) referred to practitioners imagining ‘the possibilities and the consequences of these possibilities’ (Sheppard *et al.*, 2000, p. 478) and formulating ‘client behaviour hypotheses’. These are essentially speculations ‘about the client’s behaviour, including how they will behave in particular situations’ (Sheppard *et al.*, 2000, p. 479). However, encouraging speculative development of hypotheses may clash with practitioners’ concerns to avoid labelling young people or disseminating information which may be detrimental to them. For example, one practitioner commented that:

There’s data protection issues anyway about speculating about what type of a risk somebody might be and then sending it round to everybody that works with them—you can’t really do that either.

Balancing the trade-off between data protection and the need to share information that may help to protect the public will sometimes present a real dilemma for staff. It is important to acknowledge that practitioners’ reluctance to adopt these more flexible ways of thinking is not necessarily just poor practice or unwillingness to change, but can sometimes reflect genuine concerns about the best interests of young people.

The discussion so far has focused on the practice of individual workers in making assessments. Recent developments, such as Multi-Agency Public Protection Arrangements (MAPPA), which require organizations to share responsibility for assessment and management of risk to the public, may alleviate some of the weaknesses of current assessment practice or may, in some cases,



reinforce them if there is a collective unwillingness to look at alternative hypotheses or to admit previous errors.

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Conclusion

Although this paper has focused on decisions regarding the risks that young offenders may present to other people, many of the same issues would apply to assessments of a young person's vulnerability and this is another critical area that YOT workers have to consider. Munro's jigsaw analogy helpfully encapsulates the complexity of many of the assessments that youth justice workers are required to make. The image of a Rubik's cube perhaps extends the analogy further by suggesting the multidimensional nature of the risks that practitioners are expected to assess and manage (Wegrezyn, 2006).

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The data presented here suggest that YOT practitioners may not be coping particularly well with the challenge of undertaking such assessments. There are a number of possible reasons for this. First, it has been acknowledged that the launch of *Asset* was flawed in that the provision of training for staff was inadequate and managers were not encouraged to promote *Asset* completion as a priority (Baker, 2005). This combination of failures inevitably created difficulties for staff, who sometimes felt unsure of whether they were using *Asset* appropriately. For example, one practitioner commented that '[w]e never have the chance really to sit down and review what's going on. There's quality control by managers but mine have come back with no issues raised in terms of how I'm filling it in on ROSH so I don't know how much managers know. I just keep doing what I do' (Baker, 2004b, p. 283).

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It could be argued that the subsequent provision of specific guidance and training materials by the YJB on 'Managing Risk in the Community' (Youth Justice Board, 2005) means that practice may now have improved. However, evidence from recent inspection reports indicates that there are still significant weaknesses in practice. For example, '[t]he quality of one in five of the *Assets* examined was not sufficient. Worryingly, the proportion considered to be of sufficient quality completed on children and young people convicted of violent offences was significantly lower than those completed on other groups' (HMI Probation, 2006b, p. 27). This suggests that although the data for this study were collected several years ago, the findings presented here are nevertheless still relevant.

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A second possible explanation might lie in practitioners' attitudes towards *Asset*. For example, if completion of *Asset* is viewed simply as a bureaucratic requirement, then it is likely that minimal time and effort will be put into it and this may, in turn, explain the rather poor quality of analysis evidenced by this study. A study of users' views was conducted a year after *Asset* was introduced and, not unexpectedly, found a variety of opinions regarding its value as an assessment tool. Some practitioners considered it to be a useful way of collecting information about a range of risk and protective factors whereas others

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thought that it hindered their already well established assessment procedures (Roberts *et al.*, 2001). These results were similar to research findings regarding the use of assessment tools with adult offenders (Aye Maung and Hammond, 2000). Although there have since been studies of individual YOTs (Burnett and Appleton, 2004), as yet, there have been no further systematic surveys of practitioners' views on *Asset*, which makes it difficult to comment with confidence on how it is currently perceived by staff. 545

However, there is one specific area of practice that requires further consideration. Roberts *et al.* (2001) found that approximately 20 per cent of respondents 'expressed the view that the PSR took priority and *Asset* was either unhelpful or made no difference to the process or quality of their report writing' (Roberts *et al.*, 2001, p. 39). Evidence for the persistence of this view can perhaps be seen in recent inspection reports with, for example, the most recent data available showing that 'one in four PSRs was not based on *Asset*' (HMI Probation, 2006b, p. 22). However, this does not necessarily mean that the quality of analysis provided was better because practitioners were focusing attention on PSRs rather than on *Asset*. On the contrary, inspectors found that '[t]he section on the offence usually repeated the statement of events given by the Crown Prosecution, rather than analysed the child or young person's behaviour and motivation' (HMI Probation, 2006b, p. 22). This suggests that the problems of poor-quality analysis are not simply a result of ambivalence towards *Asset*, but reflect more fundamental difficulties with current assessment practice in youth justice. 550 555 560

Whatever the precise model or assessment tool used, there will always be some element of uncertainty in situations of this kind. The process of assessment will be impaired by factors such as incompleteness of information, time constraints, contradictory or misleading data, and may also be hindered by a lack of 'clear empirical findings', 'unequivocal professional knowledge' and 'explicit guidelines' (Benbenishty *et al.*, 2003, p. 138). 565

Whilst there have been many improvements in the provision of guidelines and policies for staff to follow, it is perhaps time to look more fundamentally at the types of knowledge practitioners use and the thinking skills required. The findings of this research suggest that there are some critical questions that practitioners may not routinely be considering when trying to analyse information collected in a particular case. These include questions about the reliability of evidence and the weight attached to different sources of information, questions about the links between disparate pieces of information and the possibility of alternative or multiple hypotheses. 570 575

It would be relatively straightforward to develop *Asset* by adding reflective questions to encourage practitioners to undertake more rigorous analysis. This could include questions such as 'Are there any other possible explanations for this behaviour?', 'Are there links between seemingly disparate items of information recorded in different sections of the form?', 'What would it take to falsify your prediction?' and 'What other outcomes are possible and what is the likelihood of them occurring?'. Whilst guidance and policies often refer to the 580 585



idea that risk is dynamic (Youth Justice Board, 2005), perhaps the current tools and systems do not adequately reflect this and there remains a danger of practitioners seeking unrealistic 'right answers' in this complex and fraught arena. The procedures for reviewing and updating assessments could also be improved, therefore, perhaps to incorporate more of an expectation that decisions and judgements will have changed over time so that it becomes easier for assessors to 'admit' that their initial conclusions may have been mistaken or incomplete. 590

However, to what extent is it the role of assessment tools to promote such reflective, critical practice? This may depend on how the tools are applied; for example, how much discretion do staff have in using a tool and interpreting the results (Baker, 2005)? Attention also needs to be given to other aspects of professional development, such as training. 'Facts on their own are silent. Social workers need to know relevant theories and research to interpret the facts and formulate assessments of risk or family functioning' (Munro, 1998, p. 92). It is questionable whether current training programmes for youth justice staff place sufficient emphasis on theory, as the current trend for modular, competency-based approaches to training may mean that practitioners are not given the opportunity to develop a coherent, comprehensive overview of relevant research and theory. In addition, what more could and should be done to disseminate relevant research findings to youth justice practitioners? 600 605

A final issue to consider is that of uncertainty:

Social workers like other professionals strive for conditions of certainty. And, at times, they must act as though certainty is easy to come by e.g. when children or adults are perceived to be in great danger. However, we want to press the point that in a great many situations, the 'certain' thing is not necessarily the right thing. To counteract this tendency to make judgements too soon and to look only for evidence that supports the decision, practitioners need to stay in uncertainty for longer, and to assess whether, because of the circumstances, there is a need to hold on to doubt whilst taking the time to seek out other possible versions (Taylor and White, 2006, p. 944). 610 615

However, there is a very difficult dilemma between the need to remain open to new information whilst at the same time being required to make decisions in order to inform practical action. In youth justice, for example, there is an obvious tension between the emphasis on comprehensive assessment and the short timescales available for completion of Pre-Sentence Reports in which practitioners are expected to present clearly argued conclusions to a court. Consequently, assessment tools such as *Asset* need to balance competing demands. If the ROSH form is to be clearly linked to practical action, there needs to be a clear conclusion rather than just a list of possible alternative outcomes but, at the same time, practitioners need to avoid the dangers of seeking confirmatory evidence for the easiest or most obvious explanation of a young person's behaviour. 620 625

The evidence suggests that improvements are needed in the quality of assessments made by youth justice practitioners regarding the risks that young people may present to others. However, any policy initiatives need to take into 630

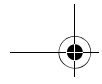
account the complex circumstances in which such decisions are often made and the difficult tension between the need to intervene and the importance of seeing assessment as an ongoing process. Further refinement of assessment tools such as *Asset* can help in this process, but attention also needs to be given to the organizational and professional cultures that shape the way in which youth justice practitioners think about, reflect upon and analyse information. 635

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